

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America,

—v—

Oneil Dasilva,

Defendant.

15-CR-95 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On August 9, 2020, Defendant Oneil Dasilva filed an emergency motion seeking compassionate release under 18 U.S.C. § 3582(c)(1)(A). The Court denies Mr. Dasilva’s motion in a concurrently filed Opinion and Order under temporary seal. In light of the fact that the Opinion includes potentially confidential information that should not be filed on the public docket, the Court will permit the parties one week to propose any redactions to the Court’s Opinion and Order and to justify those redactions by reference to the Second Circuit’s decision in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). After determining which, if any, portions of the Opinion and Order should be redacted, the Court will file the Opinion and Order on the public docket.

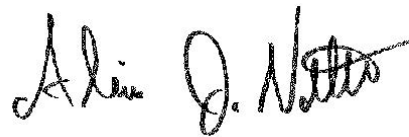
This Order provides the bottom line of the Court’s resolution. To grant relief under the compassionate release statute, the Court must first find that “extraordinary and compelling reasons warrant” compassionate release, 18 U.S.C. § 3582(c)(1)(A)(i), and that release is consistent with the Sentencing Commission’s policy statements, *id.* § 3582(c)(1)(A). In addition, the Court must consider the factors set forth in 18 U.S.C. § 3553(a). *Id.* § 3582(c)(1)(A).

Though Mr. Dasilva has provided extraordinary and compelling reasons that warrant compassionate release, his release would not be consistent with the Sentencing Commission's policy statements because the Court cannot find that he "is not a danger to the safety of any other person or to the community." U.S.S.G. § 1B1.13(2). For similar reasons, and upon consideration of the Defendant's history of dangerous and violent conduct, the Court finds that consideration of the § 3553(a) factors counsels against release. The Defendant's motion for emergency release is therefore denied.

This Order, by reference to the temporarily sealed Opinion & Order, resolves Dkt. No. 2950.

SO ORDERED.

Dated: September 11, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", with a stylized flourish at the end.

ALISON J. NATHAN
United States District Judge